

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL ORLANDO, JR., *on behalf of himself and others similarly situated, et al.*

Plaintiffs,

-v-

LIBERTY ASHES, INC., *et al.*,

Defendants.

No. 15-cv-9434 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On September 4, 2020, the Court held a fairness hearing on the proposed settlement in this case. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). As set forth on the record at the fairness hearing, the Court found that the settlement was fair and reasonable, particularly in light of Plaintiffs' range of possible recovery, the seriousness of the litigation risks faced by Plaintiffs (including the risk that Plaintiffs would be deemed exempt under the Motor Carrier Exemption to the Fair Labor Standards Act), and the fact that the settlement was the product of arm's-length bargaining before a labor and employment arbitrator with no likelihood of fraud or collusion. *See Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335–37 (S.D.N.Y. 2012). In addition, the Court found the attorney's fees of one third of the value of the settlement plus costs to be fair and reasonable. Accordingly, IT IS HEREBY ORDERED THAT the settlement is approved. The Court retains jurisdiction to enforce the settlement agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994). The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

Dated: September 4, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation